

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 2, 1999

ALL COUNTY INFORMATION NOTICE NO. I-65-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY ICPC LIAISONS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Changes
- ☐ Federal Law or Regulations Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: INTERSTATE PLACEMENT OF SERIOUSLY EMOTIONALLY
DISTURBED (SED) CHILDREN

The purpose of this Notice is to provide information regarding a policy change in compliance with the Interstate Compact on the Placement of Children (ICPC) for seriously emotionally disturbed (SED) children placed in out-of-state residential treatment facilities. As you were informed in All County Letter No. 98-94, effective January 15, 1999, the California Department of Social Services (CDSS) recentralized the enforcement of ICPC for placements in California group homes and placements in out-of-state residential treatment facilities.

Proposed placements to out-of-state residential treatment facilities are subject to ICPC (Family Code Section 7900 et seq). However, **effective immediately**, proposed placements to out-of-state residential treatment facilities of children that meet the definition of SED pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code¹ are exempt from the provisions of ICPC. In these cases, it is generally the parent who has care, custody and control of the child and is responsible for functioning as the child's legally responsible agent. The county mental health department is responsible for participating on the Individualized Education Program (IEP) team and providing case management and supervision of SED children who are placed out-of-home pursuant to an IEP.

Although there are children who meet the Welfare and Institutions Code (WIC) Sections 18350 through 18355 definition of SED, the exemption from ICPC compliance applies only to children who have been assessed as defined above pursuant to Chapter 26.5.

When a SED child is also a dependent or ward² as a result of court adjudication, a proposed out-of-state placement must comply with ICPC. The ICPC package must be submitted to the Out-of-State Placement Policy Unit (OSPPU) prior to the placement.

¹ Assembly Bill (AB) 3632

² Pertains to probation departments and children who are adjudicated wards of the court and are placed out-of-home with AFDC-FC funding.

For these cases, the IEP and county mental health assessment would take the place of the Multidisciplinary Team (MDT) assessment and recommendation. In these cases, there is no county mental health case management responsibility because the child is not placed out-of-home pursuant to an IEP. The county welfare department or probation department provides case management and the IEP team is responsible for ensuring that all IEP related educational, and mental health services designated in the IEP are provided.

CDSS is responsible for certifying out-of-state group homes pursuant to California licensing standards. The certification process pursuant to Family Code Section 7911.1(h) does not impact SED children placed pursuant to Government Code Section 7570 et seq.

Counties were notified in County Fiscal Letter No. 98/99-67 that all out-of-state facilities that receive federal, state, or local foster care funds must be listed on the Out-of-State Foster Care Facility Report (Form FC1B). This includes facilities with SED placements. Because of the new SED licensing and certification guidelines listed above, counties must now highlight all placements that are exempt from licensing or certification on the Form FC1B that is attached to the CA 1019 SED assistance claim form. This action is necessary to avoid possible claim cuts.

If you have questions regarding the interstate placement of SED children, please contact Ms. Marika Wolf, Deputy Compact Administrator and Manager, Out-of-State Placement Policy Unit, at (916) 445-0813. If you have any claiming questions, please contact your Fiscal Policy Bureau Analyst or call (916) 657-3440 and your call will be directed to the appropriate analyst.

Sincerely,

*Original Signed by Wesley Beers
On September 2, 1999*

WESLEY A. BEERS

Acting Compact Administrator
and Deputy Director
Children and Family Services Division

c: CPOC
CWDA
Judicial Council
Association of Administrators of the
Interstate Compact on the Placement of Children
California Department of Mental Health
California Department of Health Services
California Department of Education
Assembly Member Dion Aroner